

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

GREGORY ALLEN BATES,)
)
Plaintiff,)
)
)
)
vs.) **CASE NO. 2:14-0009**
) **JUDGE SHARP/KNOWLES**
)
)
)
W. B. MELTON,)
SHANNON HARVEY,)
JOE HADDOCK,)
WAYNE RAKE, and)
CHRIS DISHMAN,)
)
Defendants.)

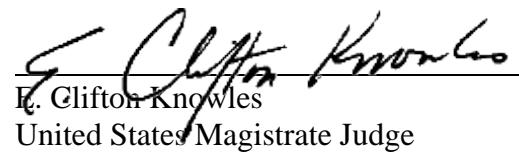
REPORT AND RECOMMENDATION

This matter is before the Court upon Defendants' "Motion to Dismiss for Failure to Prosecute and to Comply With the Orders of the Court." Docket No. 21. The instant Motion was filed September 11, 2014, but the pro se Plaintiff has not filed a Response.

This action is related to another case pending before the Court, *Bates v. Melton, et al.*, No. 2:13-00131 (consolidated with 2:14-0019). The undersigned has recently addressed a similar Motion to Dismiss filed in that case, recommending that that case be dismissed. Docket No. 39, Case No. 2:13-00131.

For the same reasons set forth in the referenced Report and Recommendation, the undersigned recommends that the instant Motion (Docket No. 21) be GRANTED and that this action be DISMISSED for failure to prosecute, pursuant to Fed. R. Civ. P. 41(b) and for Plaintiff's failure to appear at his own deposition, pursuant to Fed. R. Civ. P. 37(d)(1)(A)(i).

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh'g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
E. Clifton Knowles
United States Magistrate Judge